

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

SHAWN WAYNE WHATLEY,

Petitioner,

VS.

CARL HUMPHREY, Warden,

Respondent.

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NO. 5:12-CV-98 (MTT)

**Proceedings Under 28 U.S.C. §2254
Before the U.S. Magistrate Judge**

ORDER

Respondent Warden Carl Humphrey has filed a motion to dismiss the above-captioned petition asserting that it is untimely under the one (1) year period of limitation set forth in 28 U.S.C. § 2244(d). Doc. 10. Since Petitioner Shawn Wayne Whatley is proceeding pro se, the Court deems it appropriate and necessary to advise him of his obligation to respond to said motion and of the consequences which he may suffer if he fails to file a proper response.

Petitioner is advised:

- (1) that a motion to dismiss this petition has been filed herein by the Respondent;
- (2) that he has the right to oppose the granting of that motion; and,
- (3) that if he fails to oppose said motion, his petition may be DISMISSED.

The Petitioner is further advised that, under the procedures and policies of this court, motions to dismiss are normally decided on briefs. That is, the Court considers the pleadings and briefs filed by the parties in deciding whether dismissal is appropriate under the law. Failure of the Petitioner to respond, in writing, to the motion to dismiss may result in the granting of said motion, without a hearing or any further proceedings.

Accordingly, the Petitioner is **ORDERED AND DIRECTED** to file a response to the Respondent's motion to dismiss **ON OR BEFORE JULY 23, 2012**. Thereafter, the Court will consider the motion and any opposition to the same filed by the Petitioner. If no response is submitted by Petitioner, the Court will consider said motion to be uncontested.

SO ORDERED, this 28th day of June, 2012.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge